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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552.035

10/03/2005

Hideto Baba

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6881

20277 7590 06/25/2007  
MCDERMOTT WILL & EMERY LLP  
600 13TH STREET, N.W.  
WASHINGTON, DC 20005-3096

EXAMINER

REIS, TRAVIS M

ART UNIT

PAPER NUMBER

2859

MAIL DATE

DELIVERY MODE

06/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/552,035

Applicant(s)

BABA ET AL.

Examiner

Travis M. Reis

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20051003</u> .  | 6) <input type="checkbox"/> Other: ____                           |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art disclosed in Figures 16 & 17 by Arai et al. (U.S. Patent 5353735) [hereinafter Prior Art] in view of Sproule (U.S. Patent 2173316).

The Prior Art discloses an instrument device (Figure 17) comprising a cone-shaped reflecting dial (2) (Figures 16 & 17) having scale marks; a pointer (8b, P) pointing the scale marks and provided in front of the dial (Figure 17); a light source (B) provided behind the dial and supplying light to the pointer (Figure 17) to cause the pointer to emit light (P); and a cover (11) provided in front of the pointer, wherein a reflection member (7A) is provided at a rotation center of the pointer; wherein the dial is inclined (10a) toward the reflection member; and the reflecting dial is illuminated with light emitted from the pointer (col. 2 lines 25-35) and the reflection member (Figure 17); wherein this prior art embodiment is known to have a low light transmission rate (col. 2 lines 45-50).

The Prior Art does not disclose that the scale marks and the pointer are visually confirmed through the cover.

Sproule discloses an indicating instrument in Figures 7, 8, & 10 with a cover comprising a reflecting member portion (12) and cover glass portion (5) (Figure 7)(i.e. viewing window). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to add the cover glass portion disclosed by Sproule to the cover (i.e.

extending over the entire scale) disclosed by the Prior Art in order to protect the dial while still allowing the scale marks and pointer to be seen by a user.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Christensen discloses a gage illuminator (U.S. Patent 657331). Stuerzl discloses instrument lighting (U.S. Patent 2189535). Hardesty discloses an illuminated panel (U.S. Patent 2831453). Harland discloses an illuminated indicator gauge (U.S. Patent 4004546). Fukasawa discloses an indicator gauge (U.S. Patent 4215647). Brooks discloses a laser pointer (U.S. Patent 4761715). Smith discloses a speedometer display (U.S. Patent 4935850). Muramatsu discloses an illuminated meter (U.S. Patent 4970400). Wilhelm discloses an indicating instrument (U.S. Patent 6379015). Calvert discloses a gauge with illuminated dial (U.S. Patent 6663251). Mikami discloses an illumination structure (U.S. Patent 6926417).
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis M. Reis whose telephone number is (571) 272-2249. The examiner can normally be reached on 8--5 M--F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

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would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Travis M Reis  
Examiner  
Art Unit 2859

tmr  
June 19 , 2007



**Diego Gutierrez**  
**Supervisory Patent Examiner**  
**Technology Center 2800**